

## **REMARKS**

Favorable reconsideration is respectfully requested in view of the foregoing amendments and the following remarks.

Applicants thank Examiner Lambertson for the informal telephone interview held September 30, 2004.

### **I. CLAIM STATUS AND AMENDMENTS**

Claims 22-30 are pending and rejected.

Claims 22-30 have been amended to recite "RNA molecules from a gene library or a cDNA library" instead of "a library of protein-encoding RNA molecules." Support for this amendment can be found in the specification, for example, at page 40, lines 10-24, wherein it is disclosed that RNA molecules are prepared from a gene library or a cDNA library.

Therefore, no new matter has been added by this amendment.

### **II. OBJECTION TO THE SPECIFICATION**

The specification is objected to as allegedly failing to provide proper antecedent basis for the claimed terminology "a library of protein-encoding RNA molecules." See paragraph 3 on page 3. It is respectfully submitted that the present amendment overcomes this objection.

### **III. DOUBLE PATENTING REJECTIONS**

#### **A. Yanagawa, Brenner**

Claims 22-30 are rejected under the judicially created doctrine of obviousness-double patenting as obvious over claims 2 and 4-8 of Yanagawa et al., U.S. Patent No. 6,361,943 in view of Brenner et al., PNAS, Vol. 89, pp. 5381-5383 (1992). See pages 4-6.

The enclosed Terminal Disclaimer overcomes this rejection.

**B. Application Serial No. 10/228,070**

Claims 22-30 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as obvious over claims 5 and 7-10 of co-pending application serial No. 10/228,070 in view of Brenner. See pages 6-7.

The enclosed Terminal Disclaimer overcomes this rejection.

**CONCLUSION**

In view of the foregoing amendments and remarks, the present application is in condition for allowance and early notice to that effect is hereby requested.

If the Examiner has any comments or proposals for expediting prosecution, please contact the undersigned attorney at the telephone number below.

Respectfully submitted,

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**ATTACHMENTS TO THE AMENDMENT AND REPLY:**

1. Terminal Disclaimer over Yanagawa, U.S. Patent No. 6,361,943.
2. Terminal Disclaimer over application serial No. 10/228,070.